

Hecker Fink LLP

NEW YORK | WASHINGTON, DC | LOS ANGELES

350 FIFTH AVENUE | 63RD FLOOR
NEW YORK, NEW YORK 10118

TEL (212) 763-0883 | FAX (212) 564-0883
WWW.HECKERFINK.COM

DIRECT EMAIL: mmiller@heckerfink.com

April 9, 2025

BY ECF

The Honorable Arun Subramanian
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *Mahmoud Khalil, et al. v. Columbia University, et al.*,
No. 25-cv-02079-AS (S.D.N.Y.)

Dear Judge Subramanian:

We write on behalf of Defendants Trustees of Columbia University in the City of New York and Katrina Armstrong (together, “Columbia” or the “University”) in response to Plaintiffs’ letter filed earlier today, ECF 57, as well as the Court’s subsequent order, ECF 58, relating to Columbia’s response to a letter request from the U.S. Senate Committee on Health, Education, Labor, and Pensions (the “HELP Committee”).

Columbia is carefully tailoring its upcoming response to the Senate HELP Committee’s request in a manner that complies with the Court’s April 4, 2025 order by ensuring that the response neither includes any student records nor furnishes any students’ identities in records already produced. In fact, in connection with the response, Columbia will be affirmatively alerting the HELP Committee—which is not a party to this litigation—to the existence and content of the Court’s order.

Consistent with that order, Columbia’s upcoming submission will provide a narrative response to the HELP Committee’s questions, which response will not identify individual students and will not provide student-identifying information. With respect to documents, Columbia intends to produce relevant policies and guidance—none of which are student records and none of which discuss or pertain to any individual student.¹

¹ For sake of clarity, Columbia understands the term “student records” to be consistent with the definition of “education records” contained in FERPA, *i.e.*, “records, files, documents, and other materials which . . . contain information directly related to a student.” 20 U.S.C. § 1232g(4)(A).

Because the upcoming responses Columbia intends to provide to Congress do not contain “any student records, or students’ identities in records already produced,” they do not fall within the scope of this Court’s April 4 order. Nevertheless, Columbia provided Plaintiffs and the Court with notice—and provided Plaintiffs with verbal notice of the same earlier in the day during a meet-and-confer—in a good faith effort to provide transparency that goes beyond what the April 4 order requires.

Columbia will, of course, hold off on the production of its response to the Senate HELP Committee until 5:00 p.m. on April 11, 2025, consistent with the Court’s order entered earlier today.

Respectfully submitted,



Marshall L. Miller